

AMENDMENT TO ENVIRONMENTAL COMPLIANCE APPROVAL

NUMBER A120211

Notice No. 2

Issue Date: July 14, 2016

Walker Environmental Group Inc.
Post Office Box, No. 100
Thorold, Ontario
L2V 3Y8

Site Location: 2800 Thorold Townline Road
P.O. Box 100
Niagara Falls City, Regional Municipality of Niagara
L2E 6S4

You are hereby notified that I have amended Approval No. A120211 issued on March 8, 2013 and amended on February 25, 2014 for the use and operation of a 69.8 hectare waste disposal site landfill located within a total site area of 119 hectares , as follows:

- I. This Notice of Amendment approves the proposed end and interim uses for the Site in accordance with Items (78) through (82) of Schedule "A". As a result, the following section 16.0 is hereby added to this ECA:

16.0 INTERIM AND END USES

- 16.1 The Owner is approved to for the following interim and end uses of the Site, to be operated in accordance with Items (78) through (82) of Schedule "A" and the conditions of this ECA:
- (1) Agriculture limited to the production of crops for use as biomass materials as a renewable energy source, high carbon content for use in compost production, and cattle and livestock feed supplement;
 - (2) Soil blending and production;
 - (3) Storage, grinding and transfer of woodwaste, as defined in Reg. 347, for use as ground cover, as mulch, or for combustion at approved woodwaste combustion sites in accordance with sections 3(2) and 8(6) of Reg. 347;
 - (4) Storage, grinding and transfer of Alternative Low Carbon Fuels and waste wood to be processed into Alternative Low Carbon Fuels, to be used for combustion at approved

Alternative Low Carbon Fuel Facilities in accordance with Ontario Regulation 79/15, as amended from time to time;

- (5) Storage, grinding and transfer of asphalt shingling in accordance with section 3(19) of Reg. 347;
 - (6) Storage of finished products and product blends.
- 16.2 Prior to the commencement of any operation listed in condition 16.1, Financial Assurance must be provided to the Ministry in accordance with condition 2.4 of this ECA.
- 16.3 Prior to the commencement of any operation listed in condition 16.1, the Owner shall develop and retain at the Site, a Standard Operating Procedure for each interim use that is readily available at the request of a Provincial Officer.
- 16.4 Storage of waste materials associated with the operations in condition 16.1 is limited to the following:
- (1) 27,000 cubic metres of woodwaste related to the operation approved under condition 16.1(3);
 - (2) 27,000 cubic metres of waste wood and Alternative Low Carbon Fuels related to the operation approved under condition 16.1(4); and
 - (3) 5,000 cubic metres of asphalt shingles related to the operation approved under condition 16.1(5).
- 16.5 Should the Owner require additional temporary storage greater than the amount approved in condition 16.4, the Owner shall notify the District Manager, in writing, of the following:
- (1) Time required for additional storage;
 - (2) Amount of additional storage required per waste type;
 - (3) Confirmation that the requested storage amount is within the maximum theoretical storage capacity, as calculated in Item (82) of Schedule "A".
- 16.6 Should the Owner require additional storage greater than the amount approved in condition 16.4 on a permanent basis, the Owner shall submit an application to the Ministry for approval and adjust the amount of Financial Assurance required to correspond with the proposed storage capacity.

II. The Conditions within sections 2 and 16 are also revoked and replaced with the following:

2.0 FINANCIAL ASSURANCE

- 2.1 Within twenty (20) days of issuance of this Notice, the Owner shall submit to the Director, an updated Financial Assurance, as defined in Section 131 of the Act, for the total amount of **fourteen million one hundred nine thousand and two hundred seventy-six dollars**

(CAD\$14,109,276.00). This Financial Assurance shall be in a form acceptable to the Director and shall provide sufficient funds for the closure, post-closure monitoring, maintenance, and contingency plans for the Site.

- 2.2 (1) The total Financial Assurance includes a contingency fund of \$4,200,000.00 for leachate and landfill gas collection and treatment contingencies, as well as other contingency measures in accordance with the MOE Financial Assurance Guideline and Item 81 of Schedule "A".
- (2) The total contingency fund of \$4,200,000.00 applies to the East Landfill only, and will not increase over time.
- (3) If the contingency measures specified in Condition 2.2 (1) are constructed in the future, the Owner may apply to the Director to reduce the associated contingency amount.
- (4) If part of or the entire landfill gas management system is decommissioned due to insufficient gas generation at the Site, the Owner may apply to the Director to reduce the associated contingency amount.
- 2.3 An additional Financial Assurance of \$500,000.00 shall be submitted to the Director prior to the commencement of operation of the Soil Temporary Storage Facility.
- 2.4 An additional Financial Assurance of \$103,390.00 shall be submitted to the Director prior to the commencement and operations of any of the operations detailed in section 16.0.
- 2.5 Commencing on October 31, 2016 and at intervals of three (3) years thereafter, the Owner shall submit to the Director, a re-evaluation of the amount of Financial Assurance to implement, at a minimum, the actions required under Condition 2.1 and the details of the contingency amount outlined in Condition 2.2. The re-evaluation shall be prepared in accordance with Ontario Regulation 232/98 and shall include:
- i. updates of the discount, interest and inflation rates associated with the requirements for financial assurance in this ECA including justifications and sources of the proposed rates;
 - ii. an assessment based on any new information relating to the environmental conditions of the Site; and
 - iii. the costs of additional site maintenance, monitoring and/or implementation of contingency plans required by the Director upon review of the closure plan and annual reports.

The Financial Assurance must be submitted to the Director within twenty (20) days of written acceptance of the re-evaluation by the Director.

- 2.6 The amount of Financial Assurance excluding the contingency amount described in Condition 2.2 is subject to review at any time by the Director and may be amended at his/her discretion. If any Financial Assurance is scheduled to expire or notice is received, indicating Financial

Assurance will not be renewed, and satisfactory methods have not been made to replace the Financial assurance at least sixty (60) days before the Financial Assurance terminates, the Financial Assurance shall forthwith be replaced by cash.

14.0 REPORTING

Annual Report

14.1 By **April 30th** of each year, an annual report on the use, operation and monitoring of the Site during the previous calendar year shall be submitted to the Regional Director. The report shall include:

- (1) the results and an interpretive analysis of the results of all groundwater, surface water, landfill gas, leachate collection system monitoring, and leachate monitoring, including the following:
 - i. the adequacy of the monitoring programs and recommendations for any modifications to programs as appropriate;
 - ii. the extent to which the monitoring results indicate compliance with the conditions of this ECA, PWQO, ODWO, the Reasonable Use Guideline and any other relevant statutes and guidelines;
 - iii. the trend of the monitoring results with respect to future compliance with the conditions of this ECA, PWQO, ODWO, the Reasonable Use Guideline and any other relevant statutes and guidelines; and
 - iv. the current or expected future need to implement contingency plans and/or additional mitigation measures to ensure compliance with the Conditions of this ECA, PWQO, ODWO, the Reasonable Use Guideline and any other relevant statutes and guidelines;
- (2) summary of Site inspections;
- (3) Site plans showing:
 - i. existing contours of the Site;
 - ii. areas of landfilling operation during the reporting period and areas of intended operation during the next reporting period;
 - iii. areas of excavation during the reporting period;
 - iv. the progress of final and interim cover application;
 - v. previously existing Site works, including stockpiling, works installed during the reporting period, and works planned for installation during the next reporting period and the progress of seeding on final and interim cover;
 - vi. Areas and quantities where dewatered sewage biosolids are used as daily, intermediate and final cover; and
 - vii. Areas currently being used for operations detailed in section 16.0.

- (4) a summary of the quantity of any leachate removed, or treated and discharged, from the Site, during each month;
- (5) the type and quantity (by weight) of all Waste, alternative daily cover, interim cover and final cover disposed or applied during the reporting period.
- (6) calculation of the total volume of the Site capacity used during the reporting period;
- (7) a calculation of the remaining capacity of the Site and an estimate of the remaining Site life;
- (8) a summary of the monthly, maximum daily and annual tonnage of Waste received at the Site;
- (9) a monthly summary of the quantity of waste shingles and woodwaste received and stored on Site for processing as part of the operations detailed in section 16.0 of this ECA;
- (10) calculations and analysis to confirm that sufficient capacity remains in the South Landfill to dispose of all material approved under Section 16.0 of this ECA for the propose of ensuring adequate Financial Assurance.
- (11) a summary of the public complaints received by the Owner and the responses made by the Owner including the actions taken to resolve these complaints;
- (12) other measures, undertaken by the Owner, to reduce or prevent off-Site impacts and to ensure compliance with the Ministry's requirements;
- (13) extent and timing of the contingency measures described in the conditions 10.1 and 10.2 above, that may be needed to be implemented;
- (14) report on the decommissioning of wells, that have been decommissioned in the reporting year;
- (15) a brief description of the changes to the operational procedures and the resultant changes to the impact management plans;
- (16) a discussion of the operation and performance of the Major Works at the Site, any operational problems encountered at the Site and the remedial measures taken to alleviate the impacts from those problems, including the control of dust, odour and noise.

III. The following items are hereby added to Schedule "A":

77. Environmental Compliance Approval Application received May 13, 2014 signed by Tim McVicar, General Manager - Operations, Walker Environmental Group Inc.
78. Document entitled "Walker Environmental Group Inc. (WEG): East landfill Site ECA No.

A120211, Application for Interim Uses, ECA Amendment Application Supporting Documentation" dated May 5, 2014 and prepared by Walker Environmental Group including all attached appendices, drawings, figures and information.

79. Document entitled "Walker Environmental Group Inc. (WEG): East landfill Site ECA No. A120211, Application for Interim Uses, ECA Amendment Application Supporting Documentation" updated August 18, 2015 and prepared by Walker Environmental Group including all attached appendices, drawings, figures and information.
80. E-mail dated August 24, 2015 from David Lee, P. Eng., Senior Review Engineer, Environmental Approvals Branch, Ministry of the Environmental and Climate Change to Lesley Clarke, Team Lead Environmental Performance, WEG and Tim McVicar, WEG.
81. Letter dated January 5, 2016 from Lesley Clarke, Team Lead Environmental Performance, WEG to David Lee, P. Eng., Senior Review Engineer, Environmental Approvals Branch, Ministry of the Environmental and Climate Change including all attached supporting information.
82. Letter dated April 12, 2016 from Lesley Clarke, Team Lead Environmental Performance, WEG to David Lee, P. Eng., Senior Review Engineer, Environmental Approvals Branch, Ministry of the Environmental and Climate Change including all attached supporting information.

The reasons for this amendment to the ECA is as follows:

The reasons for the conditions in Section 16.0 are to approve the interim and end uses for the Site and to ensure that any operations associated with those uses are undertaken in accordance with the application and supporting documentation submitted by the Owner, and not in a manner which the Director has not been asked to consider.

The reason for the conditions in Section 2.0 is to ensure that sufficient funds are available to the Ministry to clean up the Site in the event that the Company and/or any future owners are unable or unwilling to do so.

The reasons for Condition 14.1 are to ensure that regular review of site development, operations and monitoring data is documented and any possible improvements to site design, operations or monitoring programs are identified. An annual report is an important tool used in reviewing site activities and for determining the effectiveness of site design.

This Notice shall constitute part of the approval issued under Approval No. A120211 dated November 26, 2001.

In accordance with Section 139 of the Environmental Protection Act, you may by written Notice served upon me, the Environmental Review Tribunal and in accordance with Section 47 of the Environmental Bill of Rights, 1993, S.O. 1993, c. 28 (Environmental Bill of Rights), the Environmental Commissioner, within 15 days after receipt of this Notice, require a hearing by the Tribunal. The Environmental Commissioner will place notice of your appeal on the Environmental Registry. Section 142 of the Environmental Protection Act provides that the Notice requiring the hearing shall state:

1. The portions of the environmental compliance approval or each term or condition in the environmental compliance approval in respect of which the hearing is required, and;
2. The grounds on which you intend to rely at the hearing in relation to each portion appealed.

Pursuant to subsection 139(3) of the Environmental Protection Act, a hearing may not be required with respect to any terms and conditions in this environmental compliance approval, if the terms and conditions are substantially the same as those contained in an approval that is amended or revoked by this environmental compliance approval.

The Notice should also include:

3. The name of the appellant;
4. The address of the appellant;
5. The environmental compliance approval number;
6. The date of the environmental compliance approval;
7. The name of the Director, and;
8. The municipality or municipalities within which the project is to be engaged in.

And the Notice should be signed and dated by the appellant.

This Notice must be served upon:

The Secretary*
Environmental Review Tribunal
655 Bay Street, Suite 1500
Toronto, Ontario
M5G 1E5

AND

The Environmental Commissioner
1075 Bay Street, Suite 605
Toronto, Ontario
M5S 2B1

AND

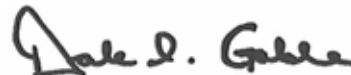
The Director appointed for the purposes of
Part II.1 of the Environmental Protection Act
Ministry of the Environment and
Climate Change
135 St. Clair Avenue West, 1st Floor
Toronto, Ontario
M4V 1P5

*** Further information on the Environmental Review Tribunal's requirements for an appeal can be obtained directly from the Tribunal at: Tel: (416) 212-6349, Fax: (416) 326-5370 or www.ert.gov.on.ca**

This instrument is subject to Section 38 of the Environmental Bill of Rights, 1993, that allows residents of Ontario to seek leave to appeal the decision on this instrument. Residents of Ontario may seek leave to appeal within 15 days from the date this decision is placed on the Environmental Registry. By accessing the Environmental Registry at www.ebr.gov.on.ca, you can determine when the leave to appeal period ends.

The above noted activity is approved under s.20.3 of Part II.1 of the Environmental Protection Act.

DATED AT TORONTO this 14th day of July, 2016



Dale Gable, P.Eng.

Director

appointed for the purposes of Part II.1 of the
Environmental Protection Act

DL/

c: District Manager, MOECC Niagara
Alison Braithewaite, Walker Environmental Group Inc.